

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
 Washington, DC 20554

In the Matter of )  
 Implementation of Section 621(a)(1) of )  
 the Cable Communications Policy Act of 1984 )  
 as amended by the Cable Television Consumer )  
 Protection and Competition Act of 1992 )

MB Docket No. 05-311

**REPLY BRIEF OF THE CITY OF RICHMOND, KY**

The City of Richmond, KY files this reply brief. The City of Richmond, KY ("City") is a city located in central Kentucky, with a population of 30,000. Our franchised cable provider is Adelphia Communications. Our community has negotiated cable franchises since 1983.

Most of the telephone industry comments that were filed pursuant to the NPRM merely contained anecdotal information. The FCC asked for specific examples. Clearly, the industry's anecdotes are not responsive to what the Commission requested and should be disregarded. On the other hand, cities from around the country provided detailed information outlining the benefits of giving municipalities the ability to tailor cable franchises to meet their specific local needs.

The telephone companies incorrectly claim that municipalities have "unreasonably denied" cable franchises to phone companies. Clearly, the "unreasonably denied" claim is untrue. The City welcomes competition in the video market. Please not that, no phone company has ever even approached the City for a cable franchise. If the City were to be approached by BellSouth (or AT&T after recently announced transfer of control is completed) City has a mechanism in place to grant additional franchises. The mechanism is very similar to the transfer of control mechanism. In the past several years, the City has gone through two transfers of control—first from FrontierVision to Adelphia and most recently from Adelphia to Time Warner. Both have been completed in an efficient and timely manner.

AT&T, in its opening comments urged the FCC to adopt the following rules:

- Prohibit the imposition of any buildout requirements on new entrants like AT&T.
- Adopt a single, national formula for calculating franchise fees & preempt all franchise provisions concerning franchise fees that are inconsistent with that formula.
- Prohibit any kind of monetary or in-kind PEG support or I-Net obligation over & above the 5% franchise fee.
- Prohibit application fees or application cost reimbursement.

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- Prohibit any kind of free cable service to local governments and schools.
- Prohibit cable franchise-related right of way management of a telecommunication provider's broadband facilities.
- Prohibit city-specific customer service reporting requirements.
- Require a local franchising authority to approve a competitive franchise application within 30 days

These types of rules would create havoc for the City. For example, if these rules were adopted, the City's incumbent operator, Adelphia (soon to be Time Warner) would probably have a strong argument that it would have the right to modify its current franchise to be consistent with the AT&T's new franchise. And if that occurred, what would requirements like these do to the benefits the City is currently receiving from the incumbent cable operator. The City would, among other things, lose all of its Public, Educational & Governmental access support. Additionally, the City would lose all free cable drops to City buildings and schools. Finally, a 30-day time limit on acting on a franchise application would probably prevent the City from complying with state public notice and hearing requirements with respect to City Commission actions, thereby denying the City's residents of any input into the process.

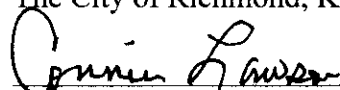
In conclusion, the changes proposed by the telephone industry prohibit local control and deny municipalities the ability to tailor cable franchises to meet their specific local needs, as they have done for decades.

The City of Richmond, KY therefore respectfully requests that the Commission do nothing to interfere with local government authority over franchising or to otherwise impair the operation of the local franchising process as set forth under existing Federal law with regard to either existing cable service providers or new entrants.

Respectfully submitted,

The City of Richmond, KY

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